



U.S. Department of Justice

*United States Attorney
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Brooklyn, New York 11201

July 20, 2012

By ECF

The Honorable Sterling Johnson
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Chaim Lebovits, CR 11-134
(SJ)(SMG)

Dear Judge Johnson:

The government writes, at the recommendation of Chief Magistrate Judge Gold, and with the consent of all defendants, to request that speedy trial time be excluded until July 31, 2012, which is the date of the next scheduled conference in this case. That conference was originally scheduled for June 27, 2012. In a June 20, 2012 letter, Nathaniel Marmur, counsel for the defendant Chaim Lebovits, moved, on behalf of all defendants and with the government's consent, to adjourn the conference until July 31, 2012 because complex motions were pending before Chief Magistrate Judge Gold. In that letter, Mr. Marmur stated that "[c]ounsel for all defendants have informed me that they consent to the exclusion of speedy trial time until the adjourn date."

On June 21, 2012, the Court granted the defendants' Motion to adjourn the status conference previously scheduled for June 27 to July 31, but the Court did not state that it was also excluding time from June 27 to July 31. Thus, on June 25, 2012, the government wrote to the Court and requested that speedy trial time be excluded until July 31, 2012. The Court has not yet ruled on the government's June 25, 2012 request.

Yesterday Magistrate Judge Gold heard oral argument on the motions. He expressed concern about the fact that speedy trial time would again begin to run after the hearing and it would take him an extended time to rule on all the motions. The government suggested that it would write this letter to the Court and all of the defendants stated on the record that they would consent to the exclusion of time. Chief Magistrate Judge Gold approved of the government's suggestion to write the letter, but the decision whether to exclude time is with the Court. The parties expect to again ask for an exclusion of time at the next conference to provide additional time to Magistrate Judge Gold to decide these complex motions.

Accordingly, the government moves, with the consent of the parties and at the recommendation of Magistrate Judge Gold, to request that speedy trial time be excluded until July 31, 2012.

Respectfully submitted,

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By: _____
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